



General Assembly

***Substitute Bill No. 1002***

*January Session, 2009*

\*       SB01002GL             031209       \*

***AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 20-306b of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2009*):

3       (a) One or more architects, each of whom is licensed under the  
4       provisions of chapter 390, one or more landscape architects, each of  
5       whom is licensed under the provisions of chapter 396, one or more  
6       professional engineers or one or more land surveyors, each of whom is  
7       licensed under the provisions of this chapter, may form a corporation  
8       or limited liability company for the joint practice of architecture,  
9       landscape architecture, professional engineering, [and] land surveying  
10      services [,] or [for the joint practice of architecture and professional  
11      engineering services, or for the joint practice of architecture and land  
12      surveying services, or for the joint practice of professional engineering  
13      and land surveying services] any combination of such practices or  
14      services, provided (1) one or more persons licensed as architects,  
15      landscape architects, engineers or land surveyors under chapter 390 or  
16      396 or this chapter [together] own not less than two-thirds of the  
17      voting stock of the corporation or not less than two-thirds of the voting  
18      interests of the limited liability company, and the members of each  
19      profession forming the corporation or limited liability company

20 together own at least twenty per cent of the voting stock of the  
21 corporation or at least twenty per cent of the voting interests of the  
22 limited liability company, (2) the personnel in responsible charge of  
23 the practice of architecture for such corporation or limited liability  
24 company shall be licensed under chapter 390, [and] the personnel in  
25 responsible charge of the practice of engineering or land surveying for  
26 such corporation or limited liability company shall be licensed under  
27 this chapter, and the personnel in responsible charge of the practice of  
28 landscape architecture for such corporation or limited liability  
29 company shall be licensed under chapter 396, and (3) such corporation  
30 or limited liability company has been issued a joint certificate of  
31 registration by the Department of Consumer Protection at the direction  
32 of the Architectural Licensing Board, [and] the State Board of  
33 Landscape Architects or the appropriate members of the State Board of  
34 Examiners for Professional Engineers and Land Surveyors designated  
35 to administer the provisions of this chapter with respect to professional  
36 engineers or land surveyors. Such corporation or limited liability  
37 company shall, upon request by the Architectural Licensing Board,  
38 State Board of Landscape Architects or the State Board of Examiners  
39 for Professional Engineers and Land Surveyors, provide the requesting  
40 board with information concerning its officers, directors, members,  
41 beneficial owners and all other aspects of its business organization.  
42 Corporations for such joint practice in existence as of July 1, 1992, may  
43 continue to be governed by the provisions of this subsection as revised  
44 to 1989, provided the certificate issued under this section did not  
45 expire more than two years before that date.

46 (b) Application by such corporation or limited liability company for  
47 a certificate of registration under this section shall be made to [both] all  
48 boards jointly on a form prescribed by the department and  
49 accompanied by an application fee of four hundred fifty dollars. Each  
50 such certificate shall expire annually and shall be renewable upon  
51 payment of a fee of three hundred dollars, if all requirements of  
52 chapter 390 or 396 and this chapter with respect to corporate or limited  
53 liability company practice are met. The boards by joint action may

54 refuse to authorize the issuance or renewal of a certificate if any facts  
55 exist which would entitle the boards to suspend or revoke an existing  
56 certificate.

57 (c) Any corporation or limited liability company issued a certificate  
58 under this section shall be required to comply with all provisions of  
59 chapter 390 or 396 and this chapter with respect to corporate or limited  
60 liability company practice.

61 (d) No such corporation or limited liability company shall be  
62 relieved of responsibility for the conduct or acts of its agents,  
63 employees, members or officers by reason of its compliance with the  
64 provisions of this section, nor shall any individual practicing  
65 architecture, landscape architecture, engineering or land surveying be  
66 relieved of responsibility for services performed by reason of his or her  
67 employment or relationship with such corporation or limited liability  
68 company.

69 (e) All fees collected under this section shall be paid to the State  
70 Treasurer for deposit in the General Fund.

71 (f) The Commissioner of Consumer Protection, with the advice and  
72 assistance of the Architectural Licensing Board, the State Board of  
73 Landscape Architects and the appropriate members of the State Board  
74 of Examiners for Professional Engineers and Land Surveyors  
75 designated to administer the provisions of this chapter with respect to  
76 professional engineers or land surveyors, shall adopt regulations, in  
77 accordance with chapter 54, to carry out the provisions of this section.

78 Sec. 2. Subsection (c) of section 20-332 of the general statutes is  
79 repealed and the following is substituted in lieu thereof (*Effective*  
80 *October 1, 2009*):

81 (c) If, after a hearing in accordance with the regulations adopted by  
82 the Commissioner of Consumer Protection, it appears that the  
83 provisions of this chapter or the regulations adopted under this  
84 chapter have been violated, in addition to the penalties in this chapter,

85 the appropriate examining board, [or] and the commissioner or the  
86 commissioner's authorized agent, shall report such violation to the  
87 office of the state's attorney for the judicial district in which such  
88 violation occurred.

89 Sec. 3. Section 21a-8 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2009*):

91 (a) The Department of Consumer Protection shall have the  
92 following powers and duties with regard to each board or commission  
93 transferred to the Department of Consumer Protection under section  
94 21a-6:

95 (1) The department shall control the allocation, disbursement and  
96 budgeting of funds appropriated to the department for the operation  
97 of each board or commission transferred to said department.

98 (2) The department shall employ and assign such personnel as the  
99 commissioner deems necessary for the performance of each board's or  
100 commission's functions.

101 (3) The department shall perform all management functions,  
102 including purchasing, bookkeeping, accounting, payroll, secretarial,  
103 clerical, record-keeping and routine housekeeping functions.

104 (4) The department shall conduct any necessary review, inspection  
105 or investigation regarding qualifications of applicants for licenses or  
106 certificates, possible violations of statutes or regulations, accreditation  
107 of schools, disciplinary matters and the establishment of regulatory  
108 policy, and make recommendations to the appropriate board or  
109 commission. In connection with any such investigation, the  
110 Commissioner of Consumer Protection, or the commissioner's  
111 authorized agent, may administer oaths, issue subpoenas, compel  
112 testimony and order the production of books, records and documents.  
113 If any person refuses to appear, to testify or to produce any book,  
114 record or document when so ordered, a judge of the Superior Court  
115 may make such order as may be appropriate to aid in the enforcement

116 of this section.

117 (5) The department shall administer any examinations necessary to  
118 ascertain the qualifications of applicants for licenses or certificates and  
119 shall issue licenses or certificates to qualified applicants. The  
120 department shall maintain rosters of licensees or registrants and  
121 update such rosters annually, and may provide copies of such rosters  
122 to the public for an appropriate fee.

123 (6) The department shall conduct any necessary investigation and  
124 follow-up in connection with complaints regarding persons subject to  
125 regulation or licensing by the board or commission.

126 (7) The department shall perform any other function necessary to  
127 the effective operation of the board or commission and not specifically  
128 vested by statute in the board or commission.

129 (8) The department shall receive complaints concerning the work  
130 and practices of persons licensed, registered or certified by such boards  
131 or commissions and shall receive complaints concerning unauthorized  
132 work and practice by persons not licensed, registered or certified by  
133 such boards or commissions. The department shall distribute monthly  
134 a list of all complaints received within the previous month to the  
135 chairperson of the appropriate board or commission. The department  
136 shall screen all complaints and dismiss any in which the allegation, if  
137 substantiated, would not constitute a violation of any statute or  
138 regulation. The department shall distribute notice of all such  
139 dismissals monthly to the chairperson of the appropriate board or  
140 commission. The department shall investigate any complaint in which  
141 the allegation, if substantiated, would constitute a violation of a statute  
142 or regulation under its jurisdiction. In conducting the investigation, the  
143 commissioner may seek the assistance of a member of the appropriate  
144 board, an employee of any state agency with expertise in the area, or if  
145 no such member or employee is available, a person from outside state  
146 service licensed to perform the work involved in the complaint. Board  
147 or commission members involved in an investigation shall not

148 participate in disciplinary proceedings resulting from such  
149 investigation. The Commissioner of Consumer Protection may dismiss  
150 a complaint following an investigation if the commissioner determines  
151 that such complaint lacks probable cause. Notice of such dismissal  
152 shall be given only after approval by the chairperson of the  
153 appropriate board or commission. The commissioner may authorize a  
154 settlement if the settlement is approved by the complainant, the  
155 practitioner, and the board or commission. The commissioner [may]  
156 shall bring a complaint before the appropriate board or commission for  
157 a formal hearing if the commissioner determines that there is probable  
158 cause to believe that the offense alleged in the complaint has been  
159 committed and that the practitioner named in the complaint was  
160 responsible. The commissioner, or the commissioner's authorized  
161 agent, shall have the power to issue subpoenas to require the  
162 attendance of witnesses or the production of records, correspondence,  
163 documents or other evidence in connection with any hearing of a  
164 board or commission. All dispositions and final decisions by the  
165 Department of Consumer Protection after an investigation into a  
166 complaint has begun shall be forwarded to the chairperson of the  
167 appropriate board or commission on a monthly basis.

168 (9) The department may contract with a third party, if the  
169 commissioner deems it necessary and if the appropriate board or  
170 commission consents, to administer licensing examinations and  
171 perform all attendant administrative functions in connection with such  
172 examination and to monitor continuing professional education  
173 requirements, and may require the payment of a fee to such third  
174 party.

175 (b) The Commissioner of Consumer Protection shall have the  
176 following powers and duties with regard to each board or commission  
177 transferred to the Department of Consumer Protection under section  
178 21a-6:

179 (1) The commissioner may, in the commissioner's discretion, issue  
180 an appropriate order to any person found to be violating any statute or

181 regulation within the jurisdiction of such board or commission  
182 providing for the immediate discontinuance of the violation or  
183 requiring the violator to make restitution for any damage caused by  
184 the violation, or both. The commissioner may, through the Attorney  
185 General, petition the superior court for the judicial district in which the  
186 violation occurred, or in which the person committing the violation  
187 resides or transacts business, for the enforcement of any order issued  
188 by the commissioner under this subdivision and for appropriate  
189 temporary relief or a restraining order. The commissioner shall certify  
190 and file in the court a transcript of the entire record of the hearing or  
191 hearings, including all testimony upon which such order was made  
192 and the findings and orders made by the commissioner. The court may  
193 grant such relief by injunction or otherwise, including temporary  
194 relief, as the court deems equitable and may make and enter a decree  
195 enforcing, modifying and enforcing as so modified, or setting aside, in  
196 whole or in part, any order of the commissioner issued under this  
197 subdivision.

198       (2) The commissioner may conduct hearings on any matter within  
199 the statutory jurisdiction of such board or commission. Such hearings  
200 shall be conducted in accordance with chapter 54 and the regulations  
201 established pursuant to subsection (a) of section 21a-9. In connection  
202 with any such hearing, the commissioner may administer oaths, issue  
203 subpoenas, compel testimony and order the production of books,  
204 records and documents. The commissioner shall notify the appropriate  
205 examining board of any such hearing not less than two weeks prior to  
206 the scheduled dates of such hearing. If any person refuses to appear,  
207 testify or produce any book, record or document when so ordered, a  
208 judge of the Superior Court may make such order as may be  
209 appropriate to aid in the enforcement of this subdivision.

210       (3) In addition to any other action permitted under the general  
211 statutes, the commissioner may, upon a finding of any cause specified  
212 in subsection (c) of section 21a-9: (A) Revoke or suspend a license,  
213 registration or certificate; (B) issue a letter of reprimand to a

214 practitioner and send a copy of such letter to a complainant or to a  
 215 state or local official; (C) place a practitioner on probationary status  
 216 and require the practitioner to (i) report regularly to the commissioner  
 217 on the matter which is the basis for probation, (ii) limit the  
 218 practitioner's practice to areas prescribed by the commissioner, or (iii)  
 219 continue or renew the practitioner's education until the practitioner  
 220 has attained a satisfactory level of competence in any area which is the  
 221 basis for probation. The commissioner may, with the approval of the  
 222 appropriate examining board, discontinue, suspend or rescind any  
 223 action taken under this subdivision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	20-306b
Sec. 2	<i>October 1, 2009</i>	20-332(c)
Sec. 3	<i>October 1, 2009</i>	21a-8

**GL**            *Joint Favorable Subst.*